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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,800	03/15/2005	Hikofumi Yamamoto	052277	9561

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
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SUITE 700  
WASHINGTON, DC 20036

EXAMINER
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BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/527,800

Applicant(s)

YAMAMOTO ET AL.

Examiner

Melody M. Burch

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP-4114145 (JP'145) in view of JP-1194015 (JP'015).

Re: claim 10. JP'145 shows in figure 1 a hydraulic style vibration-proof device comprising a cylindrical fitting 1, a first attachment fitting 9, a vibration isolating base made of rubber elastomer 2 coupling an upper end opening of the cylindrical fitting and the first attachment fitting, a diaphragm 3 disposed to oppose the vibration isolating base and forming a liquid chamber between the vibration isolating base and the diaphragm within the cylindrical fitting, and a cup-shaped second attachment 7 fitting attached to a lower end opening of the cylindrical fitting and forming an air chamber 8 between the second attachment fitting and the diaphragm, wherein the second attachment fitting is fabricated from a material and includes a peripheral wall portion, a bottom wall portion formed to be thicker in wall thickness than the peripheral wall portion and a curved portion interposed between the bottom wall portion and the peripheral wall portion and curved in an arc form in axial cross-section, wherein the bottom wall portion is defined with a through hole shown surrounding the end of the lead line of element number 10 and has a bolt 11 having a serration portion below its head press-fitted in the

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through-hole and provided fixedly to the second attachment fitting in such a manner that the bolt juts out from the second attachment fitting downwardly as shown, and wherein a thickness of the second attachment fitting is gradually increased from the bottom wall portion toward the curved portion until reaching a maximum at the curved portion and then gradually decreased to the peripheral wall portion as shown.

JP-1194015 teaches in figure 1 and in the novelty section of the English abstract the use of a second attachment fitting 1 being made of aluminum.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration proof device of JP'145 to have included the material of the second attachment fitting to have been aluminum, as taught by JP'015, in order to provide a device that is lightweight and less corrosive.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP-4114145 (JP'145) in view of JP'015 as applied above, and further in view of JP-2568225 (JP'225).

JP'145, as modified, lacks the limitation of a sealing agent between the bolt and the second attachment fitting.

JP'225 teaches in figure 2 the use of a sealing agent 15 between the bolt 11 and the second attachment fitting 7 shown in figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the space between the bolt and the second attachment fitting of JP'145, as modified, to have included a sealing agent, as taught by JP'225, in order to provide a means of preventing the entrance of debris.

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4. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-4114145 (JP'145) in view of JP'015 as applied above, and further in view of JP-2001173689 (JP'689).

Re: claims 5-7. JP'145, as modified, describes the invention substantially as set forth above, but lacks the limitation wherein the inner wall surface of the through-hole is, at its lower end, provided with a non-serration bonding portion between the inner wall surface and the bolt.

JP'689 teaches in figure 1 the limitation wherein the inner wall surface of a through-hole 10 is, at its lower end, provided with a non-serration bonding portion shown in the area at the end of the lead line of 13 between the inner wall surface and the bolt.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the through hole of JP'145, as modified, to have included a non-serration bonding portion at the lower end of the through hole, as taught by JP'689, in order to provide a means of preventing the bolt from sliding out of its position.

Re: claims 8 and 9. JP'145, as modified, teaches the presence of a corresponding portion (a), (b), and (c). With regards to the optimum range of 3 and up or 5 and up, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the bonding index to have been 3 or 5 and up since it has been held that where the general conditions of a claim

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are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP-6249282 (JP'282) in view of JP-1194015 (JP'015).

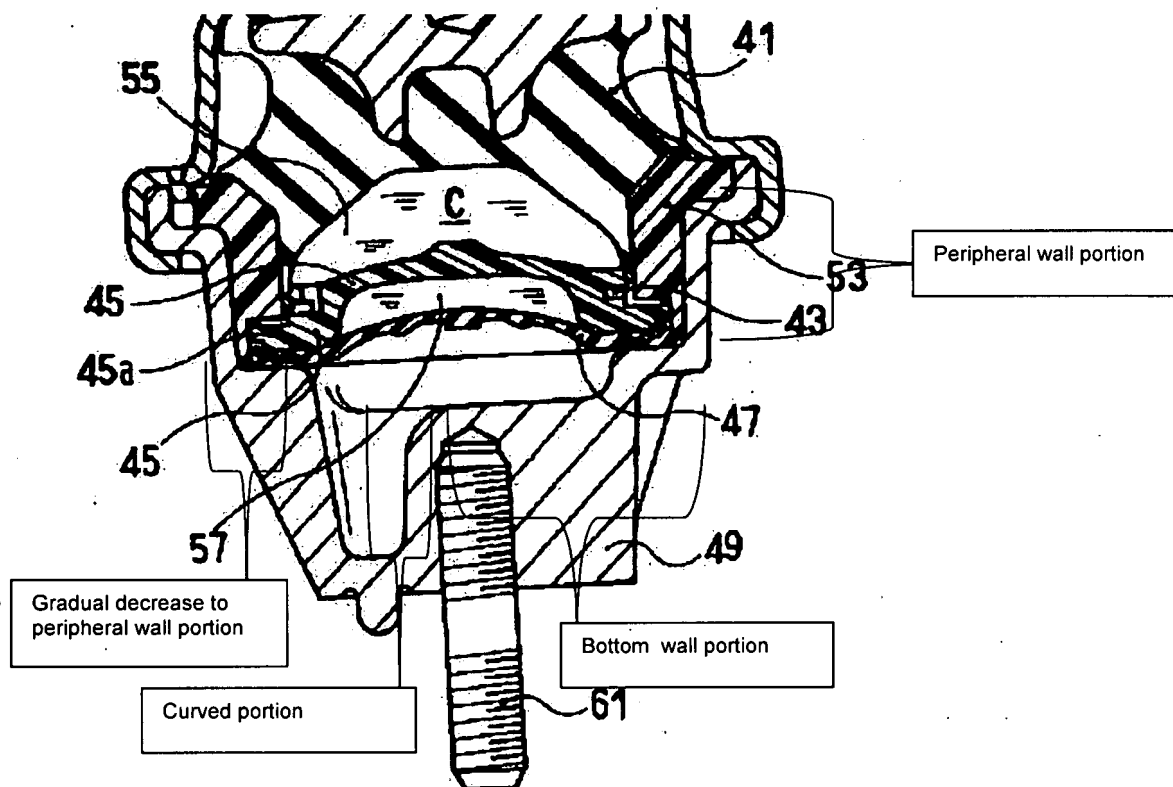
Re: claim 10. JP'282 shows in figure 2 a hydraulic style vibration-proof device comprising a cylindrical fitting 63, a first attachment fitting 51, a vibration isolating base made of rubber elastomer 41 coupling an upper end opening of the cylindrical fitting and the first attachment fitting, a diaphragm 47 disposed to oppose the vibration isolating base and forming a liquid chamber between the vibration isolating base and the diaphragm within the cylindrical fitting, and a cup-shaped second attachment 49 fitting attached to a lower end opening of the cylindrical fitting and forming an air chamber as shown between the second attachment fitting and the diaphragm, wherein the second attachment fitting is fabricated from a material and includes a peripheral wall portion, a bottom wall portion formed to be thicker in wall thickness than the peripheral wall portion and a curved portion interposed between the bottom wall portion and the peripheral wall portion and curved in an arc form in axial cross-section, wherein the bottom wall portion is defined with a through hole shown surrounding element 61 and has a bolt 61 having a serration portion below its head press-fitted in the through-hole and provided fixedly to the second attachment fitting in such a manner that the bolt juts out from the second attachment fitting downwardly as shown, and wherein a thickness of the second attachment fitting is gradually increased from the bottom wall portion toward the curved

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portion until reaching a maximum at the curved portion and then gradually decreased to the peripheral wall portion as shown (see annotated figure 2 below).

JP-1194015 teaches in figure 1 and in the novelty section of the English abstract the use of a second attachment fitting 1 being made of aluminum.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration proof device of JP'282 to have included the material of the second attachment fitting to have been aluminum, as taught by JP'015, in order to provide a device that is lightweight and less corrosive.



6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over (JP'282) in view of JP'015 as applied above, and further in view of JP-2568225 (JP'225).

JP'282, as modified, lacks the limitation of a sealing agent between the bolt and the second attachment fitting.

JP'225 teaches in figure 2 the use of a sealing agent 15 between the bolt 11 and the second attachment fitting 7 shown in figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the space between the bolt and the second attachment fitting of JP'282, as modified, to have included a sealing agent, as taught by JP'225, in order to provide a means of preventing the entrance of debris.

7. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over (JP'282) in view of JP'015 as applied above, and further in view of JP-2001173689 (JP'689).

Re: claims 5-7. JP'282, as modified, describes the invention substantially as set forth above, but lacks the limitation wherein the inner wall surface of the through-hole is, at its lower end, provided with a non-serration bonding portion between the inner wall surface and the bolt.

JP'689 teaches in figure 1 the limitation wherein the inner wall surface of a through-hole 10 is, at its lower end, provided with a non-serration bonding portion shown in the area at the end of the lead line of 13 between the inner wall surface and the bolt.



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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the through hole of JP'282, as modified, to have included a non-serration bonding portion at the lower end of the through hole, as taught by JP'689, in order to provide a means of preventing the bolt from sliding out of its position.

Re: claims 8 and 9. JP'282, as modified, teaches the presence of a corresponding portion (a), (b), and (c). With regards to the optimum range of 3 and up or 5 and up, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the bonding index to have been 3 or 5 and up since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

***Allowable Subject Matter***

8. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Amendment***

9. The declaration under 37 CFR 1.132 filed 4/12/07 is sufficient to overcome the rejection of claims 3-10 based upon Prior art figure 6.

***Response to Arguments***

10. Applicant's arguments with respect to claims 3-10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb

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July 5, 2007

*Melody M. Burch*  
**Melody M. Burch**  
**Primary Examiner**  
**Art Unit 3683**  
7/5/07